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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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TIYACTE HARRIS,

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Petitioner,

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vs.

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THE STATE OF NEVADA,

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Respondent.

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Case No. 2:16-cv-02891-APG-CWH

ORDER

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Petitioner has filed a petition for a writ of habeas corpus. He is challenging his custody pursuant to a judgment of conviction of a state court. Petitioner did not use the court's form for the petition. The court will send petitioner a form. Petitioner will need to file an amended petition on that form. See LSR 3-1.

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The current petition itself contains other defects that can be corrected if petitioner completes the petition form correctly. First, he has not named the correct respondent. The correct respondent is the person who has custody over petitioner. Second, petitioner needs to both sign and verify the petition. The petition form has lines for petitioner to do both.

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IT IS THEREFORE ORDERED that the clerk of the court shall send petitioner a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have thirty (30) days from the date that this order is entered in which to file an amended petition to correct the noted deficiencies. Neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding of a basis for tolling during the time period established. Petitioner at all times remains responsible for calculating the running of the federal limitation period under 28

1 U.S.C. § 2244(d)(1) and timely asserting claims. Failure to comply with this order will result in the
2 dismissal of this action.

3 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such
4 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus
5 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the case number,
6 2:16-cv-02891-APG-CWH, above the word "AMENDED."

7 IT IS FURTHER ORDERED that the clerk shall add Adam Laxalt, Attorney General for the
8 State of Nevada, as counsel for respondents.

9 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
10 copy of the petition and this order. Respondents' counsel shall enter a notice of appearance herein
11 within twenty (20) days of entry of this order, but no further response shall be required from
12 respondents until further order of the court.

13 DATED: December 22, 2017.

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16 ANDREW P. GORDON
17 United States District Judge
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